IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

TAKEN UP WRIT PETITION NO : 9334 of 2005

Between:

Malla Tulsi Ram, City President National Students Union of India, Visakhapatnam city Unit, D.No. 15-2, Parvathinilayam Saradanagar, Pendarthi, Visakhapatnam.

..... PETITIONER

AND

1 The Commissioner, Visakhapatnam Municipal Corporation, Visakhapatnam.
2 The Chief Executive Officer, Zilla Parishad, Visakhapatnam, Visakhapatnam District.
3 The Collector and District Magistrate, Visakhapatnam Distric At Visakhapatnam.
4 The Secretary to the Government of Andhra Pradesh, Municipal Administrtion and Urban Development Department, Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an Order, direction, or a writ, more particularly one in the nature of Writ of Mandamus to call for records and remarks from the Respondents herein relating to encroachment of Government land in Survey No. 10, the cost of which is approximately Rs. 3 Crores, situated near Sukanya Theater, Gopalapatnam, showing false survey number as 13, by creating false documents, and got municipal permission to construct a multistoried complex,

and to pass appropriate orders directing the concerned authorities to take appropriate action against the encroachers of Government land and against the indifferent officials due to whom the Government land is encroached in the interest of justice.

Counsel for the Petitioner:

Counsel for the Respondent Nos.1 to 4: GP FOR MUNCIPAL ADMN. & URBAN DEV.

The Court made the following :

ORDER: (per Sri B. Sudershan Reddy, J)

This writ petition has been taken up on file on the strength of the letter dated 12-04-2005 addressed by the petitioner herein to this Court. In the letter addressed by the petitioner, it is alleged that the land in Sy.No.10 situated at Gopalapatnam belongs to the Government and certain persons have encroached into the same and obtained permission for construction of building from the first respondent herein showing the said land situated in Sy.No.10 as if situated in Sy.No.13 of the same village. According to the averments made in the letter, the approximate value of the property is Rupees Three Crores.

Learned Government Pleader appearing on behalf of the respondents made available a copy of the detailed report of the Commissioner, Visakhapatnam Municipal Corporation, in which, it is *inter alia* stated that one P. Appala Narasimham and one P. Satyanarayana Raju have applied for permission for construction of residential apartment in Sy.No.13/1A1 of Gopalapatnam village with an extent of 1147.31 sq. Mts. The applicants have enclosed a copy of the registered deed and a copy of the certificate
dated 7-8-2003 issued by the Competent Authority and Special Officer, Urban Land Ceiling, Visakhapatnam. The Municipal Corporation got the proposals submitted by the applicants verified and found that the land in respect of which the individuals have applied for permission is situated in Sy.No.13 and not in Sy.No.10 of Gopalapatnam as alleged in the letter. The Corporation accordingly accorded permission vide proceedings
dated 07-03-2005.

In the report, it is further stated that upon receipt of copy of the petition, the site was again got verified by the Town Surveyor on 3-5-2004 and it was found that the proposed construction is in Sy.No.13, which is admittedly a private site.

It is thus clear that the new portion of the land situated in Sy.No.10 is being utilized or proposed to be utilized by the applicants.

In such view of the matter, we find no merit in this writ petition and the same deserves to be dismissed and is accordingly dismissed. No order as to costs.

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B. SUDERSHAN REDDY,J

06-06-2005

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RAMESH RANGANATHAN,J

sj/ks

To

1 The Commissioner, Visakhapatnam Municipal Corporation, Visakhapatnam.
2 The Chief Executive Officer, Zilla Parishad, Visakhapatnam,

Visakhapatnam District.

3 The Collector and District Magistrate, Visakhapatnam Distric At

Visakhapatnam.
4 The Secretary to the Government of Andhra Pradesh, Municipal

Administrtion and Urban Development Department,
Secretariat, Hyderabad.

5. Two CCs to the Government Pleader for Municipal administration and Urban Development, High Court Building, Hyderabad. (OUT).

6. Two C.D. copies.